

FILED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

2015 APR -7 AM 11:56

CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

Cause No.: BY

DEPUTY

v.

TIMOTHY L. WRIGHT, III, aka "The Judge"

INDICTMENT

A15 CR0089 SS

[**COUNTS ONE-THREE:** Selling
Firearms To A Prohibited Person,
18 USC § 922(d)(1);

COUNT FOUR: Aiding and Abetting
and Facilitating the Smuggling and
Attempted Smuggling of Firearms,
18 U.S.C. §§ 554 and 2;

COUNT FIVE: Facilitating the
Smuggling and Attempted Smuggling of
Firearms, 18 U.S.C. § 554;

COUNTS SIX-SEVEN: False
Statement During Purchase of a Firearm,
18 U.S.C. § 922(a)(6);

COUNTS EIGHT-NINE: False
Statement to Government Agents, 18
U.S.C. § 1001.]

THE GRAND JURY CHARGES:

COUNT ONE

[18 U.S.C. § 922(d)(1)]

On or about February 5, 2015 in the Western District of Texas, the Defendant,

TIMOTHY L. WRIGHT, III, aka "The Judge"

knowingly sold firearms, that is a Sig Sauer, Model: 1911 Spartan, .45 caliber pistol (serial number 54B063409) and a Sig Sauer, Model: P238 Scorpion, .380 caliber pistol (serial number 27B069643), to "J.C.," knowing and having reasonable cause to believe that "J.C." had been convicted of a crime punishable for a term exceeding one year, in violation of Title 18, United States Codes, Sections 922(d) and 924(a)(2).

COUNT TWO

[18 U.S.C. § 922(d)(1)]

On or about February 19, 2015 in the Western District of Texas, the Defendant,

TIMOTHY L. WRIGHT, III, aka "The Judge"

knowingly sold firearms, that is a Glock, Model: 34, 9mm caliber pistol (serial number WFD286) and a Smith & Wesson, Model: Bodyguard, .380 caliber pistol (serial number EBB6127), to "J.C.," knowing and having reasonable cause to believe that "J.C." had been convicted of a crime punishable for a term exceeding one year, in violation of Title 18, United States Codes, Sections 922(d) and 924(a)(2).

COUNT THREE

[18 U.S.C. § 922(d)(1)]

On or about February 24, 2015 in the Western District of Texas, the Defendant,

TIMOTHY L. WRIGHT, III, aka "The Judge"

knowingly sold firearms, that is a Glock, Model: 22, .40 caliber pistol (serial number WRT164) and two Zastava, Model: PAP M92 PV, 7.62 caliber pistols (serial numbers M92PV043159 and M92PV045391), to "J.C.," knowing and having reasonable cause to believe that "J.C." had been convicted of a crime punishable for a term exceeding one year, in violation of Title 18, United States Codes, Sections 922(d) and 924(a)(2).

COUNT FOUR

[18 U.S.C. §§ 554(a) & 2]

From on or about June 1, 2014 until on or about October 1, 2014, in the Western District of Texas, the Defendant,

TIMOTHY L. WRIGHT, III, aka "The Judge"

did knowingly and unlawfully aid and abet the exportation and attempted exportation from the United States of any merchandise, article, or object, to wit: multiple firearms including a Zastava Model M92, a Glock pistol, and a Sig Sauer pistol, contrary to any law or regulation of the United States, and the Defendant did in any manner facilitate the transportation, concealment, or sale of said firearms prior to exportation knowing that the firearms were intended for export, the exportation and attempted exportation being contrary to any law or regulation of the United States, in that neither the Defendant nor those he sold the firearms to had obtained a license or written authorization for such export, in violation of Title 22, United States Code, Sections 2778(b)(2) & 2778(c) and Title 22, Code of Federal Regulations, Parts 121, 123, & 127, all in violation of Title 18, United States Code, Sections 554(a) and 2.

COUNT FIVE
[18 U.S.C. §§ 554(a)]

From on or about December 4, 2014 until on or about March 27, 2015, in the Western District of Texas, the Defendant,

TIMOTHY L. WRIGHT, III, aka "The Judge"

did knowingly and unlawfully attempt the exportation from the United States of any merchandise, article, or object, to wit: multiple firearms including Zastava Model M92s, Glock pistols, and Sig Sauer pistols, contrary to any law or regulation of the United States, and the Defendant did in any manner facilitate the transportation, concealment, or sale of said firearms prior to exportation knowing that the firearms were intended for export, the exportation and attempted exportation being contrary to any law or regulation of the United States, in that neither the Defendant nor those

he sold the firearms to had obtained a license or written authorization for such export, in violation of Title 22, United States Code, Sections 2778(b)(2) & 2778(c) and Title 22, Code of Federal Regulations, Parts 121, 123, & 127, all in violation of Title 18, United States Code, Sections 554(a) and 2.

COUNT SIX
[18 U.S.C. § 922(a)(6)]

On or about July 14, 2014 in the Western District of Texas, the Defendant,

TIMOTHY L. WRIGHT, III, aka "The Judge"

in connection with the acquisition of six Zastava Model M92 firearms with serial numbers M92PV041475, M92PV041206, M92PV041368, M92PV041450, M92PV040533, M92PV041319, from Applied Response Solutions, d/b/a Guns Plus, located at 2316 N. Austin Ave., Georgetown, Texas 78626 ("Guns Plus"), a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious written statement to Guns Plus which statement was intended and likely to deceive Guns Plus as to a fact material to the lawfulness of such sale to Defendant and acquisition of the said firearms by the Defendant under chapter 44 of Title 18, United States Code, in that the Defendant did execute a Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives Form 4473, Firearms Transaction Record, to the effect that that he was the actual buyer of the firearms indicated on the Form 4473, when in fact as the Defendant then knew, he was not the actual buyer of the firearms because he purchased the firearms by and on behalf of another person; in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

COUNT SEVEN
[18 U.S.C. § 922(a)(6)]

On or about December 19, 2014 in the Western District of Texas, the Defendant,

TIMOTHY L. WRIGHT, III, aka "The Judge"

in connection with the acquisition of two firearms, a Glock, Model: G41 (Gen 4), .45 caliber pistol, bearing serial number XVR486 and a Glock, Model: 21 (Gen 4), .45 caliber pistol, bearing serial number XUC966, from Yankee Gunsmith, d/b/a Just Glock's, located at 2901 Deer Flat Drive, Copperas Cove, Texas ("Just Glock's"), a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious written statement to Just Glock's, which statement was intended and likely to deceive Just Glock's, as to a fact material to the lawfulness of such sale to the Defendant and acquisition of the firearms by the Defendant under chapter 44 of Title 18, United States Code, in that the Defendant did execute a Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives Form 4473, Firearms Transaction Record, to the effect that that he was the actual buyer of the firearms indicated on the Form 4473, when in fact as the Defendant then knew, he was not the actual buyer of the firearms because he purchased the firearms by and on behalf of another person; in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

COUNT EIGHT
[18 U.S.C. § 1001]

On or about March 27, 2015 in the Western District of Texas, the Defendant,

TIMOTHY L. WRIGHT, III, aka "The Judge"

did willfully and knowingly make a materially false, fictitious, and fraudulent statement and representation in a matter within the jurisdiction of the executive branch of the Government of the

United States, by telling Chris Benavides, Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), that he had not sold any firearms between the time ATF agents visited him on September 23, 2014 and the time in January 2015 when he began selling as a licensed firearms dealer. The statement and representation was false because, as TIMOTHY L. WRIGHT, III then and there knew, he sold firearms in December 2014 and created false paperwork representing falsely the sale took place in August 2014; in violation of Title 18, United States Code, Section 1001.

COUNT NINE
[18 U.S.C. § 1001]

On or about March 27, 2015 in the Western District of Texas, the Defendant,

TIMOTHY L. WRIGHT, III, aka "The Judge"

did willfully and knowingly make a materially false, fictitious, and fraudulent statement and representation in a matter within the jurisdiction of the executive branch of the Government of the United States, by telling Chris Benavides, Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives that he neither sold firearms to "J.C." nor allowed "J.C." to be present for firearm transactions after he learned that "J.C." was a felon. The statement and representation was false because, as TIMOTHY L. WRIGHT, III then and there knew, he sold firearms to "J.C." in person on three occasions after he learned that "J.C." was a convicted felon; in violation of Title 18, United States Code, Section 1001.

NOTICE OF GOVERNMENT'S DEMAND FOR FORFEITURE AS TO COUNTS

ONE-THREE

[18 U.S.C. § 922 and subject to forfeiture pursuant to 18 U.S.C. § 924(d)(1)]

as made applicable by 28 U.S.C. § 2461(c)]

As a result of the foregoing criminal violation set forth in Count One, which is punishable by imprisonment for more than one year, the United States of America gives notice that it intends to forfeit, but is not limited to, the below-listed property from Defendant TIMOTHY L. WRIGHT, III. Defendant shall forfeit all right, title, and interest in said property to the United States pursuant to Fed. R. Crim. P. 32.2 and 18 U.S.C. § 924, as made applicable by 28 U.S.C. § 2461, which states the following:

Title 18 U.S.C. § 924.

(d)(1) Any firearm or ammunition involved in or used in any knowing violation of . . . section 922 . . . shall be subject to seizure and forfeiture. . . .

This Notice of Demand for Forfeiture includes, but is not limited, to the following:

- (1) Sig Sauer P938 .22 cal, 52B057338;
- (2) Keltec PMR-30 .22 cal, W3W70;
- (3) Colt 1911 .45 cal, WD029886;
- (4) Kahr PM9 9mm, VC3958;
- (5) Sig Sauer P238. 380 cal, 27B069651;
- (6) Ruger LCP .380 cal, 371-85842;
- (7) FNH Five-Seven .57 cal, 386279592;
- (8) Keltec PMR-30 .22 cal, WQD25;
- (9) Sig Sauer P220 .45 cal, 37B008563;
- (10) Sig Sauer 1911 .45 cal, GS70823;
- (11) Sig Sauer SP2022 9mm, 24B207929;
- (12) Sig Sauer P238 .380 cal, 27B079375;
- (13) Sig Sauer 1911 .45 cal, 54B004215;
- (14) Sig Sauer P238 .380 cal, 27B034297;
- (15) Sig Sauer P290RS 9mm, 26C042994;
- (16) Sig Sauer 1911 .45 cal, 54B070449;
- (17) Sig Sauer P938 9mm, 52B060672;
- (18) Sig Sauer P238 .380 cal, 27B069003;
- (19) Sig Sauer P238 .380 cal, 27B076274;
- (20) Sig Sauer 1911. 45 cal, GS52508;
- (21) Colt Govt .22 cal, WD029871;

- (22) Sig Sauer P238 .380 cal, 27B101907;
- (23) Sig Sauer 1911 .45 cal, 54B066037;
- (24) Sig Sauer 1911 .45 cal 54B086622;
- (25) Sig Sauer P238, .380 cal, 27B074581;
- (26) S&W M&P9 Shield 9mm, HVB3328;
- (27) S&W M&P40 Shield .40 cal, HSK7481;
- (28) Taurus TCP .380 cal, 08706E;
- (29) Glock 27 .40 cal, WRV464;
- (30) Ruger LCP .380 cal, 371375664;
- (31) Glock 20 10mm, XNP865;
- (32) Sig Sauer P250 9mm, EAK158462;
- (33) Diamondback Firearms DB .380 cal, 380ZH2102;
- (34) Colt Mustang .380 caliber, MP06736;
- (35) Sig Sauer P238 .380 cal, 27B101893;
- (36) Sig Sauer P938 9mm, 52B088980;
- (37) Sig Sauer 1911 .45 cal, 54B082625;
- (38) Sig Sauer, P238 .380 cal, 27B100891;
- (39) Zastava M92PV 762 cal, M92PV044435;
- (40) Zastava M92PV 762 cal, M92PV044973;
- (41) Zastava M92PV 762 cal, M92PV045343;
- (42) Glock 41 .45 cal, XVT543;
- (43) Glock 41 .45cal, XVT544;
- (44) S&W 686, .357 cal, CXP4464;
- (45) Diamondback DB 380, .380 cal, ZH1922;
- (46) Diamondback DB 380, .380 cal, ZH1921;
- (47) Diamondback DB, .380 cal, 380ZH1920;
- (48) Keltec PMR-30, .22 caliber, WQG70;
- (49) Keltec PMR-30 .22 cal, WQG69;
- (50) Keltec PMR-30, .22 cal, WQC52; and
- (51) Keltec PMR-30, .22 cal WRF76.

All pursuant to 18 U.S.C. § 924(d)(1) as made applicable by 28 U.S.C. § 2461(c).

**NOTICE OF GOVERNMENT'S DEMAND FOR FORFEITURE AS TO COUNTS FOUR
and FIVE**

**[Title 18 U.S.C. §§ 554(a) & 2 subject to forfeiture pursuant to
18 U.S.C. § 981(a)(1)(C) & 19 U.S.C. § 1595a(d) as made applicable by 28 U.S.C. § 2461(c)]**

As a result of the foregoing criminal violation set forth in Count Two, which is punishable by imprisonment for more than one year, the United States of America gives notice that it intends

to forfeit, but is not limited to, the below-listed property from Defendant TIMOTHY L. WRIGHT,

III. Defendant shall forfeit all right, title, and interest in said property to the United States pursuant to FED. R. CRIM. P. 32, 18 U.S.C. § 981(a)(1)(C), and 19 U.S.C. § 1595a(d), as made applicable by 28 U.S.C. § 2461, which states the following:

Title 18 U.S.C. § 981. Civil Forfeiture

(a)(1) The following property is subject to forfeiture to the United States:

* * *

(C) Any property, real or personal, which constitutes or is derived from proceeds traceable to a violation of section 215, 471, 472, 473, 474, 476, 477, 478, 479, 480, 481, 485, 486, 487, 488, 501, 502, 510, 542, 545, 656, 657, 670, 842, 844, 1005, 1006, 1007, 1014, 1028, 1029, 1030, 1032, or 1344 of this title or any offense constituting "specified unlawful activity" (as defined in section 1956(c)(7) of this title), or a conspiracy to commit such offense.

Title 19 U.S.C. § 1595a. Forfeitures and other penalties

(d) Merchandise exported contrary to law

Merchandise exported or sent from the United States or attempted to be exported or sent from the United States contrary to law, or the proceeds or value thereof, and property used to facilitate the exporting or sending of such merchandise, the attempted exporting or sending of such merchandise, or the receipt, purchase, transportation, concealment, or sale of such merchandise prior to exportation shall be seized and forfeited to the United States.

This Notice of Demand for Forfeiture includes, but is not limited, to the following:

Personal Property

- (1) Sig Sauer P938 .22 cal, 52B057338;
- (2) Keltec PMR-30 .22 cal, W3W70;
- (3) Colt 1911 .45 cal, WD029886;
- (4) Kahr PM9 9mm, VC3958;
- (5) Sig Sauer P238 .380 cal, 27B069651;
- (6) Ruger LCP .380 cal, 371-85842;
- (7) FNH Five-Seven .57 cal, 386279592;
- (8) Keltec PMR-30 .22 cal, WQD25;
- (9) Sig Sauer P220 .45 cal, 37B008563;
- (10) Sig Sauer 1911 .45 cal, GS70823;
- (11) Sig Sauer SP2022 9mm, 24B207929;

- (12) Sig Sauer P238 .380 cal, 27B079375;
- (13) Sig Sauer 1911 .45 cal, 54B004215;
- (14) Sig Sauer P238 .380 cal, 27B034297;
- (15) Sig Sauer P290RS 9mm, 26C042994;
- (16) Sig Sauer 1911 .45 cal, 54B070449;
- (17) Sig Sauer P938 9mm, 52B060672;
- (18) Sig Sauer P238 .380 cal, 27B069003;
- (19) Sig Sauer P238 .380 cal, 27B076274;
- (20) Sig Sauer 1911 .45 cal, GS52508;
- (21) Colt Govt .22 cal, WD029871;
- (22) Sig Sauer P238 .380 cal, 27B101907;
- (23) Sig Sauer 1911 .45 cal, 54B066037;
- (24) Sig Sauer 1911 .45 cal 54B086622;
- (25) Sig Sauer P238, .380 cal, 27B074581;
- (26) S&W M&P9 Shield 9mm, HVB3328;
- (27) S&W M&P40 Shield .40 cal, HSK7481;
- (28) Taurus TCP .380 cal, 08706E;
- (29) Glock 27 .40 cal, WRV464;
- (30) Ruger LCP .380 cal, 371375664;
- (31) Glock 20 10mm, XNP865;
- (32) Sig Sauer P250 9mm, EAK158462;
- (33) Diamondback Firearms DB .380 cal, 380ZH2102;
- (34) Colt Mustang .380 caliber, MP06736;
- (35) Sig Sauer P238 .380 cal, 27B101893;
- (36) Sig Sauer P938 9mm, 52B088980;
- (37) Sig Sauer 1911 .45 cal, 54B082625;
- (38) Sig Sauer, P238 .380 cal, 27B100891;
- (39) Zastava M92PV 762 cal, M92PV044435;
- (40) Zastava M92PV 762 cal, M92PV044973;
- (41) Zastava M92PV 762 cal, M92PV045343;
- (42) Glock 41 .45 cal, XVT543;
- (43) Glock 41 .45cal, XVT544;
- (44) S&W 686, .357 cal, CXP4464;
- (45) Diamondback DB 380, .380 cal, ZH1922;
- (46) Diamondback DB 380, .380 cal, ZH1921;
- (47) Diamondback DB, .380 cal, 380ZH1920;
- (48) Keltec PMR-30, .22 caliber, WQG70;
- (49) Keltec PMR-30 .22 cal, WQG69;
- (50) Keltec PMR-30, .22 cal, WQC52;
- (51) Keltec PMR-30, .22 cal WRF76; and
- (52) 2013 Black Ford F-150 (4x4), Texas LP # CPL-6139, VIN# 1FTFW1ET6DKF93603

Money Judgment

A sum of money, \$42,604 which represents the amount of proceeds obtained as a result of the violations set forth in Counts FOUR and FIVE for which Defendant TIMOTHY L. WRIGHT, III is liable.

Substitute Assets

If any of the properties described above, as a result of any act or omission of Defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States of America to seek the forfeiture of any other property owned by Defendant TIMOTHY L. WRIGHT, III up to the value of said Money Judgment as substitute assets, pursuant to FED. R. CRIM. P. 32.2 and 21 U.S.C. § 853(p).


A TRUE BILL:

FO

SIGNATURE REDACTED PURSUANT
TO E-GOVERNMENT ACT OF 2002

RICHARD L. DURBIN, JR.
ACTING UNITED STATES ATTORNEY

By:


MICHAEL C. GALDO

Assistant United States Attorney